

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ELOISE BRADLEY,

Plaintiff,

Case No. 20-cv-661-pp

v.

WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES, *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 9)**

On July 6, 2020, the defendants filed a motion to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(1) and (6), along with a brief in support of their motion. Dkt. Nos. 9, 10. The defendants argue that the plaintiff's claim is time-barred by the statute of limitations, that the claim is barred by claim preclusion and issue preclusion because it is the fourth lawsuit the plaintiff has filed in federal court arising from the same set of circumstances, that the court lacks subject matter jurisdiction regarding the substance of the complaint, that the complaint fails to state a claim and does not conform to federal pleading requirements under Fed. R. Civ. P. 8, and that the defendants are entitled to qualified immunity. Dkt. No. 10 at 4-14.

Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by July 27, 2020. The plaintiff

is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by July 27, 2020 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 7th day of July, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge